

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14685 of 2015

Date of Decision: 23.7.2015

D.C. Kaushik and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Vinod S. Bhardwaj, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to frame an appropriate policy for protection of rights of subsequent bonafide purchases who have purchased the plot after obtaining necessary approval from the respondents against the proposed cancellation of allotment on the pretext of original allotment being based upon mis-information/concealment at the instance of the original allottee. Further, a writ of certiorari has been sought for setting aside the cancellation proceedings initiated vide show cause notice dated 15.5.2015 (Annexure P-7) proposing to cancel the allotment of residential plot No. 91, measuring 8 marlas situated in Sector 13, Bahadurgarh.

2. Plot No. 91, Sector 13, Urban Estate Bahadurgarh, District Jhajjar measuring 8 marlas was allotted to Shri Mewa Singh son of Shri

Nihal Singh, on free hold basis vide allotment letter dated 16.10.2008 (Annexure P-1) for a price consideration of ₹ 9,09,000/-. The allottee deposited the requisite amount of 15% of the price consideration vide receipt dated 10.11.2008 and submitted an application for permission to transfer of the plot in question in favour of Shri Jai Lal son of Shri Ram Chander by depositing the required transfer fee of ₹ 9720/- vide receipt dated 25.2.2009 (Annexure P-2) which was granted vide permission letter dated 24.3.2009 (Annexure P-3). The plot was allotted to said Shri Jai Lal vide re-allotment letter dated 9.4.2009 (Annexure P-4). The due installments were being deposited from time to time. Said Shri Jai Lal thereafter applied for permission to transfer the plot in dispute in favour of Shri Rajesh Sharma son of Chand Ram which was granted and the plot was allotted in his favour vide re-allotment letter dated 10.3.2011 (Annexure P-5). Shri Rajesh Sharma subsequently sought permission to transfer the plot in question in favour of the present petitioners which was granted vide letter dated 27.5.2013 and the plot in question was allotted to the petitioners vide re-allotment letter dated 17.6.2013 (Annexure P-6). A show cause notice dated 15.5.2015 (Annexure P-7) addressed to the original allottee for cancellation of the plot in question was received by the petitioners. The petitioners filed a reply/representation dated 29.5.2015 (Annexure P-8) to respondent No.3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioner has sent reply/representation dated 29.5.2015 (Annexure P-8) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the reply/representation dated 29.5.2015 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**July 23, 2015**  
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**(REKHA MITTAL)**  
**JUDGE**